

IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE CONSENT ORDER

RECEIVED
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Director's Office

IN THE MATTER OF:

DARYL EICHELBERGER
ID# 65873
Muscatine County, Iowa

ADMINISTRATIVE CONSENT ORDER
NO. 2012-AFO- 12

TO: Daryl Eichelberger
2180 Independence Avenue
Muscatine, Iowa 52761-8792

VIOLATION: 567 Iowa Administrative Code (IAC) 65.16(3)"b" and "c." You failed to submit a manure management plan (MMP) annual update and annual compliance fee to the Department by May 1, 2011. You were sent a notice of these requirements on May 12, 2011 including a directive to comply by June 1, 2011 to avoid a compliance action with monetary penalty. On or about June 20, 2011, you complied with these requirements.

ORDER: A penalty of \$1,500.00 shall be paid no later than 30 days after the date the Director signs this Order. This penalty shall be paid to the Department at the address listed below. Now that you have complied with this requirement no amount is assessed for economic benefit; \$1,000 is based on the gravity of the violation, considering the size of this facility, agency costs in addressing this violation and the importance of the animal feeding operation; and \$1,000 is for culpability, because you were sent a notice of the requirement but still did not comply within the extended timeframe. The foregoing penalty analysis total of \$2,000 is reduced by \$500.00 for mitigating circumstances relating to your efforts to submit an MMP update to Muscatine County.

AUTHORITY: Iowa Code §§455B.109, 459.103(3); 567 IAC 10.3, 65.16(3)"b" and "c."

WAIVER OF APPEAL: This Order is entered into knowingly by and with the consent of Daryl Eichelberger. For that reason, Mr. Eichelberger waives his right to appeal this Order or any part thereof.


NONCOMPLIANCE: If you fail to comply with this Order you may be subject to further penalties pursuant to Iowa Code §455B.109 or penalties and injunction pursuant to Iowa Code §§455B.191 and 459.603. Compliance with this Order constitutes full satisfaction of all requirements pertaining to the violations described in this Order.

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IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE CONSENT ORDER
ISSUED TO: DARYL EICHELBERGER


DARYL EICHELBERGER

Dated this 26th day of
March, 2012


ROGER L. LANDE, DIRECTOR
IOWA DEPARTMENT OF NATURAL RESOURCES
502 E. 9TH St., Des Moines, IA 50319-0034

Dated this 9th day of
April, 2012

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